

Notice of Allowability

Application No.

10/687,118

Examiner

Chun Crowder

Applicant(s)

HINTON ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to 12/07/2006, 02/21/2007, 02/26/2007 and 02/28/2007.
- ☒ The allowed claim(s) is/are 1-3, 5, 6, 8-12, 15-21, 23-28, 31-34, 36, 37, 39, 41, 42, 52, 53, 57-59, 61-64, 67-75.
- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>12/07/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/07/2006 has been entered.

2. Applicant's amendments, filed 12/07/2006 and 02/27/2007, have been entered.

Claims 4, 7, 13, 14, 22, 29, 30, 35, 38, 40, 43-51, 54-56, 60, 65, and 66 have been canceled.

Claims 1-3, 5, 6, 8-12, 15-21, 23-28, 31-34, 36, 37, 39, 41, 42, 52, 53, 57-59, 61-64, 67-75 are pending.

3. Applicant's request for rejoinder of the method claims 58, 59, 61-64, and 67-69, filed 12/07/2006, is acknowledged. Upon further consideration as well as applicant's amendments to the claims, the method claims 58, 59, 61-64, and 67-69 have been rejoined herein.

EXAMINER'S AMENDMENT

4. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

5. Authorization for this Examiner's Amendment was given in a telephone interview with applicant's representative Kawai Lau on 02/21/2007 and 02/26/2007.

6. See attached Amendments to the Claims for a current copy of the claims including the current amendments to the claims.

REASONS FOR ALLOWANCE

7. The following is an Examiner's Statement for Reasons for Allowance:

Upon consideration of applicant's arguments, filed 12/07/2006 and 02/27/2007, and the filing of Terminal Disclaimers in compliance with 37 CFR 1.321(c) or 1.321(d) filed 02/27/2007, the previous rejections under 35 U.S.C. 103(a) and obvious double patenting over copending USSNs: 10/822,300 and 10/966,673 have been withdrawn. Further, no obvious double patenting rejections will be made over copending 11/102,621 because a Terminal Disclaimers in compliance with 37 CFR 1.321(c) or 1.321(d) was filed 02/27/2007. Applicant's statement that the copending USSN 10/966,673 was commonly owned at the time the invention was made (see page 30 of the Remarks/Arguments filed 05/02/2006) is acknowledged.

The prior art does not provide sufficient motivation to make the particular amino acid substitutions in positions 250 and 428 of the IgG Fc region. Accordingly, the instant claims are deemed allowable.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Crowder whose telephone number is (571) 272-8142. The examiner can normally be reached Monday through Friday from 8:30 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chun Crowder, Ph.D.

Patent Examiner

February 28, 2007

Phillip Gambel
PHILLIP GAMBEL, PH.D. JD
PRIMARY EXAMINER

TL600

3/1/07